UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,428	04/19/2001	Janani Janakiraman	AUS920010015US1	3585

35525	7590	10/11/2006

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER
RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/838,428
Filing Date: April 19, 2001
Appellant(s): JANAKIRAMAN ET AL.

Mari Stewart
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 23 May 2006 appealing from the

Office action mailed 28 December 2005

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| 6,813,618 | LOUI | 11-2004 |
| 6,956,573 | BERGEN | 10-2005 |

Cruz, Isabel F., et al "A User-Centered Interface for Querying Distributed Multimedia Databases", ACM SIGMOD Record, Vol. 28, Issue 2, June 1999, pp. 590-593.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 8, 10-13, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Loui (U.S. Patent 6,813,618 B1) in view of Bergen (U.S. Patent

6,956,573 B1).

As per claims 1, 8, and 15, Loui discloses a method, system, and computer

program product for presenting text from video to a user including receiving multimedia

data containing a number of video frames and an associated number of sets of text data

in the form of image content descriptors (See Loui, Column 5, lines 1-37), where the

associated number of sets of text data are associated in time with the number of video

frames (See Loui, Column 2,lines 1-5) where the number of sets of text data includes a

first text data set associated with a first number of video frames of the multimedia data

(See Loui, Column 5, lines 41-49), and a second text data set associated with a second

number of moving video frames of the multimedia data (See Loui, Column 6, lines 33-

37), extracting the associated number of sets of text data from the multimedia data (See

Loui, Column 5,lines 41-49 and Column 6,lines 33-37), extracting a first video frame,

from the number of video frames, associated with the first text data set to form a first still

image (See Loui, Column 1, lines 61-65 and Column 5, lines 41-49), extracting a

second video frame from the second number of video frames associated with the first

text data set to form a second still image (See Loui, Column 1, lines 61-65, and Column

6,lines 33-37), outputting the first text data set in association with the first still image

(See Loui, Figure 3, and Column 5, lines 41-49), and outputting the second text data set

in association with the second still image (See Loui, Column 6, lines 33-37). Loui does

not disclose expressly that the video frames or still images are captured from moving

video. Bergen discloses dividing a continuous video stream into a number of scenes

(See Bergen, Abstract). Loui and Bergen are analogous art because they are from the

same field of endeavor of manipulating multimedia data. At the time of the invention it

would have been obvious to a person of ordinary skill in the art to extract the video

frames or still images of Loui from the continuous video stream of Bergen. The

motivation for doing so would have been to provide scene-based information from the

video to a user (See Bergen, Column 2, lines 29-32). Therefore, it would have been

obvious to combine Bergen with Loui for the benefit of providing scene-based

information from the video to a user to obtain the invention as specified in claims 1, 8,

and 15.

As per claims 3, 10, and 17, Loui and Bergen disclose the limitations of claims

1, 8, and 15 as described above. Loui also discloses that the first text data set and the

second text data set are presented in association with the first still image and the

second still image respectively, to the user simultaneously (See Loui, Figure 3,

elements 27 and 28, and Column 5,lines 44-46).

As per claims 4, 11, and 18, Loui and Bergen disclose the limitations of claims

3, 10, and 17 as described above. Loui also discloses that the albuming application has

multiple pages that contain image and associated textual data. Figure 3 shows the

overlapping pages in which separate sets of image and associated textual data may be

displayed in separate portions of the static display (See Loui, Column 5, lines 42-44,

and Figure 3, element 22).

As per claims 5, 12, and 19, Loui and Bergen disclose the limitations of claims

1, 8, and 15 as described above. Bergen also discloses that sets of video frames with

associated text data may be presented sequentially (See Bergen, Column 10, lines 31-

36). Loui and Bergen are analogous art because they are from the same field of

endeavor of manipulating multimedia data. At the time of the invention it would have

been obvious to a person of ordinary skill in the art to include the sequential video

frames with associated text data of Bergen with the method of presenting text from

video to a user of Loui and Bergen. The motivation for doing so would have been to

allow a user to follow the progression of the video in the form of still video frames so as

to maintain the meaning of the presentation as it was originally produced. Therefore, it

would have been obvious to combine Bergen with Loui and Bergen for the benefit of

allowing a user to follow the progression of the video in the form of still video frames so

as to maintain the meaning of the presentation as it was originally produced to obtain

the invention as specified in claims 5, 12, and 19.

As per claims 6, 13, and 20, Loui and Bergen disclose the limitations of claims

5, 12, and 19 as described above. Loui also discloses that a user indicates when to

display the next set of text data (See Loui, Column 6, lines 33-51, and Figure 5).

Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Loui (U.S. Patent 6,813,618 B1) in view of Bergen (U.S. Patent 6,956,573 B1) as

applied to claims 1, 8, and 15 above, and further in view of Cruz ("A User-Centered

Interface for Querying Distributed Multimedia Databases").

As per claims 7, 14, and 21, Loui and Bergen disclose the limitations of claims

1, 8, and 15 as described above. Loui and Bergen do not disclose expressly parsing

the multimedia data to determine the first text data set and the first video frame of the

first number of moving video frames and discarding remaining moving video frames

from the first number of moving video frames. Cruz discloses parsing the multimedia

data to determine the first text data set and the one video frame of the number of video

frames, as shown by the "Next" button provided in Figure 3, Page 593; and discarding

any moving image data, which is accomplished by deselecting the "video" checkbox in

Figure 2, Page 593. Loui, Bergen and Cruz are analogous art because they are from

the same field of endeavor of manipulating multimedia data. At the time of the invention

it would have been obvious to a person of ordinary skill in the art to include the parsing

of multimedia data and discarding of moving image data of Cruz with the method of

presenting text from video to a user of Loui and Bergen. The motivation for doing so

would have been to facilitate the retrieval of information while providing simple views

that will not overwhelm users with unneeded complexity (See Cruz, Page 590,

"Introduction", first paragraph). Therefore, it would have been obvious to combine Cruz

with Loui and Bergen for the benefit of facilitating the retrieval of information while

providing simple views that will not overwhelm users with unneeded complexity to

obtain the invention as specified in claims 7, 14, and 21.

(10) Response to Argument

With regard to Appellant's argument on Page 13 of the Appeal Brief that Loui in combination with Bergen fails to teach **moving video frames and an associated plurality of sets of text data**, wherein the associated plurality of sets of text data are **associated in time** with the plurality of moving video frames, wherein the plurality of sets of text data includes a first text data set associated with a first plurality of moving video frames of the multimedia data, and a second text data set associated with a second plurality of moving video frames of the multimedia data set, the Office respectfully disagrees. Loui teaches receiving a number of video frames and related sets of text data in the form of image content descriptors (See Loui, Column 5, lines 1-37). Loui also teaches that the sets of text data are associated in time with the video frames, in that annotation data associated with the video frames may include time stamps or markings indicating when the image was exposed in relation to the sequence of time of the moving video frames (See Loui, Column 2, lines 3-11).

With regard to Appellant's argument on Page 14 of the Appeal Brief that Loui in combination with Bergen fails to teach extracting the associated plurality of sets of text data from the multimedia data; extracting a first video frame, from the first plurality of moving video frames, associated with the first text data set to form a first still image; and extracting a second video frame, from the second plurality of moving video frames, associated with the first text data set to form a second still image, the Office respectfully disagrees. Loui teaches that annotation data is extracted from reference material in a

digital graphics album (See Loui, Column 2, lines 57-61). This method may be repeated to extract a second set of text data, or annotation data.

In response to Appellant's argument on Pages 18-19 of the Appeal Brief that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine the continuous video stream of Bergen with the extraction of video frames or still images of Loui in order to provide scene-based information from the video to a user (See Bergen, Column 2, lines 29-32).

With regard to Appellant's argument on pages 23-25 of the Appeal Brief that Loui in combination with Bergen and Cruz fails to teach discarding remaining moving video frames from the first plurality of moving video frames, the Office respectfully disagrees. Cruz teaches discarding any moving image data by deselecting a "video" checkbox, as shown in Cruz, Figure 2, Page 593.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.
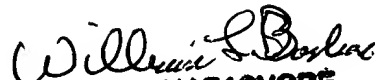
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Laurie Ries

July 25, 2006

WILLIAM BASHORE
PRIMARY EXAMINER

Conferees:

Heather Herndon

Stephen Hong
STEPHEN HONG
SUPERVISORY PATENT EXAMINER